

DRAFT

Meeting Minutes, September 7, 2005

City Center Advisory Commission

CCAC Members Present: *Jim Andrews, Carolyn Barkley, Gretchen Buehner, Suzanne Gallagher, Alexander Craghead (Alternate), Alice Ellis Gaut, Marland Henderson, Lily Lilly, Mike Marr, Roger Potthoff, Carl Switzer, Mike Stevenson*

CCAC Member Absent: *Ralf Hughes (Alternate), Judy Munro*

Staff Present: *Gus Duenas, Duane Roberts, Barbara Shields*

1. Welcome and Introductions

Chair Mike Marr called the meeting to order at 6:34 p.m. He asked everyone in the room to introduce him- or herself. Self introductions by everyone present, including audience members, followed.

Mike asked staff to provide an updated roster of Commission members. Duane promised to send out an up-to-date roster by email ASAP.

2. Approval of Minutes

Gretchen pointed out that Jim Andrews was present at the CCAC's August 24th meeting. He is listed as absent in the minutes. She also pointed out that comments attributed to her on pages 3 and 6 were not made by her. Another committee member stated that the statements in question were made by Carol Ambraso, a member of the consultant team who participated in the meeting.

Gretchen wished the minutes to reflect the fact that she had asked the consultants for information on the state formula used for splitting dollars among the various districts, i.e., the state school funding formula. Jeff stated that he would provide the formula by the end of the week. Alice commented that a quote attributed to her on page 7 about money rolling in on its own was inaccurate. What she actually had said was that given the commercial nature of the intersection that that would be the place to bring in large dollars in the early years of UR. Carl noted that the comment attributed to him on page 4 about agencies or projects' not receiving as much funding for a limited period was inaccurate. His comment had been that the affected tax districts would not receive the additional revenue generated by UR and only for a limited period.

The group approved the minutes as amended.

3. Possible Reconsideration of UR Area Boundary

Mike Marr commented that since the last meeting he had had conversations and received emails regarding the potential impact of the boundary changes on the

proposed UR election. The CCAC was established to carry forward the Tigard Downtown Improvement Plan (TDIP). The bottom line is that a lot of energy and effort went into developing this plan. The TDIP Task Force worked 2-3 years to put it together. He urged the CCAC to exercise great caution in making changes to the TDIP.

Suzanne asked if the number of acres added to the UR area was the priority concern. Mike commented that the revised boundary includes double the number of acres included within the TDIP boundary. He is not opposed to adding the rail corridor and Center Street. He does oppose including all three additional corners of the Hall/HWY 99W intersection. He also opposes the inclusion of the SE Hall industrial area.

Gretchen commented that last meeting's vote to add the industrial area was even. The votes on adding the other areas were one-sided. She stated that she had not received prior notice of any proposed reconsideration of last meeting's boundary decisions and that it would be inappropriate to revisit the one-sided votes.

Jim Andrews commented that he can't find any merits on why new areas should be added. It took many years to come up with the TDIP. The new boundaries double the size of the area. The people he has talked to don't understand the linkages between the old and new areas.

Mike Stevenson commented that the TDIP Task Force had many contacts with the affected owners in developing the TDIP. Expanding the boundary potentially opens the CCAC to negative comments from the newly added owners. Additionally, there is no improvement plan for the new areas.

Carolyn commented on the need for more CCAC discussion of boundary changes. As a Task Force member, she had wished to add Center Street to the planning area. She felt frustrated that no opportunity was provided to discuss this addition during the three years the TDIP was under development. Regarding the rail corridor addition, she commented that there was no guarantee the railroad owner would vacate the corridor. She expressed concern that the owners of the parcels included in the corridor had not been consulted about their lands' inclusion.

Carl commented that he had not understood that the CCAC was appointed to act as a rubber stamp. Slight modifications to the TDIP do not nullify the work of the TDIP Task Force. Tweaking the TDIP is vital to the success of the UR plan. The commission voted on the new areas last meeting. This is a settled issue.

Mike Marr commented that in general the at-large members of the CCAC do not have the same three years of ownership in the TDIP as do the TDIP Task Force members. He noted that doubling the size of the area was not a slight tweak.

Alexander commented that he had talked to some of the owners of land located in the newly added areas and that all were supportive of their land being included with the UR district.

Gretchen commented that she is concerned that the focus of the TDIP is too narrow. It ignores growth opportunities on the north or Safeway side of HWY 99W. The Safeway corner and Center Street should be included within the UR boundary area. Bull Mountain residents find it difficult to come to the downtown. This is because access from HWY 99W is too difficult. She agrees that adding the industrial area under discussion is inappropriate.

Mike Stevenson commented that the TDIP Task Force initially focused its efforts on the downtown area. Owners and residents within the area, in addition to the mayor and Council, all had input into the preparation of the TDIP. The main point here is that the voters will not vote for the UR plan if the boundary is changed so much.

Suzanne commented that for many Bull Mountain residents Tigard is HWY 99W. In defining the downtown area, you can't exclude one side of the highway.

Mike Marr commented that if a small land addition works well, the boundary set by the TDIP can be expanded. But he questioned how far the downtown goes.

Roger spoke in support of Gretchen, Carl, and Suzanne's comments. The charge of the CCAC is to bring some oversight to the development of the UR plan. How the downtown area is delineated and how the improvements are defined will affect the CCAC's ability to put the plan into a saleable way to improve Tigard. According to the people to whom he has talked about this matter, ignoring HWY 99W in designing the UR plan is to miss the point. For most people, Tigard is HWY 99W. If the CCAC defines Tigard as Main Street, "we have failed."

Mike Marr commented that when the County approached the City about joining a Commuter Rail UR district, the City declined to join. One reason was the proposed size of the district and the need for voter approval for such a district within Tigard. The same concerns apply to Downtown UR. Mike supports a Downtown strategy of establishing voter trust through the successful implementation of a small scale district. A follow-up to that is a bigger district. Going to the voters with a big district initially, runs the risk of an election loss.

Alice commented that the way the CCAC's boundary vote was conducted at the last meeting was confusing. No one intended to double the size of the downtown area. The process used to vote on each section's inclusion was ineffective. It is important to consider which area is a natural part of the downtown area. The desire is for both sides of the highway to look good.

Lily commented that she is thinking about how the City will get the money to finance the UR improvement projects. There is not enough time to discuss how the CCAC

can reach a compromise on the drawing of the boundary. The number one area that will attract money is the HWY 99 W corner. The industrial area added last meeting is the area least likely to attract money. A reasonable compromise between CCAC member viewpoints on the boundary issue would be to look at the industrial area again. She stated that she can see both sides of the issue. The At-Large members were appointed to bring a fresh perspective to the CCAC. Now that she understands the issue better, she would not vote to add the industrial area.

Mike Marr clarified that only three votes were taken at the last meeting. They included one vote on adding each area. Each vote was on adding the whole area delineated on the display map.

Lily responded that she can see both perspectives regarding the district's appropriate size. At the same time, the CCAC should not let the TDIP Task Force dictate the boundary.

Carolyn commented that the process is going too fast to allow time for any tweaking of the TDIP. Marland commented that the downtown revitalization committee started as a commuter rail group. At the last meeting, he didn't understand the economic rationale given for adding the "warehouse area", so he didn't vote. He wasn't provided with enough information to vote for or against. Adding the HWY 99W area is not out of bounds. But it only takes one or two people to swing an election. In future, the CCAC needs to better understand what it is voting on. .

Gus Duenas, the City Engineer, mentioned that after viewing the boundary map used at the CCAC's August meeting, he had been concerned about the need to add land to the rail corridor area. The new display map includes additional right-of-way that could be needed for the proposed realignment of Tiedeman, North Dakota, and the railroad tracks. It also is important to include land north of HWY 99W in order to accommodate a future under crossing.

Barbara noted that the UR program's very compressed timeline is the problem facing the CCAC. Mike Marr's concerns are valid. The Council UR hearing is set for November 22nd and requires the mailing of a massive legal notice. The required Planning Commission hearing is set for October 17th. If the CCAC continues to discuss the boundary, "we will have to consider how it impacts the timeline." She asked if there were some way the CCAC can compromise on the boundary so that Jeff can complete the discussion of the project list.

Gretchen commented on the need to update the acreage included in sub area two. This includes subtracting the acreage south of Garden Place. She also commented that she had heard a consensus in support of deleting the SE Industrial Area. Suzanne commented that before it considers amending the boundary agreed upon at the last CCAC meeting, the Commission needs to know the long term plan.

Displaced businesses may not have a place to go. Before making a decision on whether or not to exclude it, the CCAC needs to see on a chart the advantages and financial risks of excluding the SW Industrial Area.

Mike Marr commented that there is no time to create a plan for the newly added areas. Nothing in the existing downtown plan talks about where industries presently located in the downtown area, such as Stevens Marine, will go. At this point, it's all conjecture, because there is no structured plan for the new areas. He noted that his concern is achieving a positive vote on a quality UR plan and not scaring people off by a large expansion of the UR area. The opinion survey indicates that a positive vote is achievable. He is not opposed to a few changes to the boundary.

Carl commented that this is a twenty-year plan. Looking at a small UR district may be shortsighted. It is important to include Center Street and to take a nuts and bolts approach in the election. Otherwise, the voters "will shoot it down." The way the UR plan will be successful is the idea of it, not through the setting of particular grid coordinates demarking its extent. The need is to sell the idea of an improved downtown. In order to do so, the UR area needs to include at least the section north of HWY 99W.

Mike Marr pointed out the additional need to sell the idea to businesses within the UR area, where opposition may be found. Carl asked why anyone would be offended by being included in the UR district. Mike Stevenson commented that the CCAC doesn't know whether or not the new owners will be happy about their lands' inclusion. His concern is not creating a hardship. As a downtown business owner and CCAC member, he has faith the City will help him find a suitable place to relocate his downtown manufacturing business. Other potentially displaced property owners may become upset and run a grassroots campaign against an UR ballot measure. Carl replied that you can't make everyone happy. You can never please everyone.

Gretchen referred to the 1988 downtown UR election, which failed to win voter approval. She noted the major changes that have occurred since then. Many new areas had been annexed into the City. Additionally, the City's demographics have changed. Today's Tigard residents are more affluent. Library and school bond measures have been approved in recent years. The change in the voter base reduces the validity of 1988 vote as a basis for comparison.

Mike commented that expanding the UR boundary could be wonderful. But that it wouldn't take too many newly added business people to scuttle the election. Roger commented that as a HWY 99W tenant, to have the quality work of this Commission colored by the attitudes of property owners who have not maintained their properties and who have let HWY 99W run down to the state that it is "offends me." These owners have abdicated their responsibilities by not maintaining minimum standards. The work of the Commission should not be held hostage to those who have not met their responsibilities. HWY 99W is like Foster Road. Its present condition reflects a

lack of progressive thinking on the part of many of the owners of property located along it.

Gretchen suggested revisiting the boundary agreed upon last meeting. Tina Mosca of the consultant team pointed out that one parcel could be removed from the rail corridor area without affecting the proposed road realignment/rail crossing project. In response to a question, Jeff indicated that he has the combined acreage of all the newly added areas, 273 acres, but that he didn't have the acreage breakout for each of the sub areas. He will bring this information to the next meeting.

Mike Marr commented that all CCAC members appear to endorse including the Central Business District (CBD) in the UR district. In his opinion, the CCAC boundary recommendation to Council should be compatible with the Downtown Task Force direction. It could include tweaking the boundary where it is reasonable to do so. At present, there is no improvement plan for the area outside the CBD. The CCAC boundary recommendation to Council should be pared down and tightened.

Alice commented that she had heard a consensus among the group. One area enjoys less support than the others. Although reluctant to go back to the CDB as the district boundary, she agreed that the previously arrived at boundary recommendation should be pared down. She understands the potential concerns of the owners of business located within the new areas. The CCAC should not shoot itself in the foot. The Commission has got to go forward with confidence. The chair should call for a new vote on adding each the three new areas.

Jeff commented that the industrial area would provide a nearby receiving area for the relocation of downtown industries as the downtown transitions to a central business district. Jobs and housing benefit most from commuter rail. On the other hand, nobody thinks of the SE Industrial Area as downtown. Including the industrial area in the UR district is not mission critical. Working toward a business park could be done in other ways. The rail corridor area is important to improving downtown circulation, but reconfiguring the roads and rail lines that meet there in order to close one crossing could be accomplished without adding this area to the UR district. Like the SE Industrial Area, the addition of the rail corridor area is not mission critical. On the other hand, adding the Safeway corner is critical. One quadrant is already in the downtown. Theoretically, businesses and complementary uses will want to locate on Main Street. Technical and professional businesses will be attracted to Safeway. When the UR plan is presented to Council, Council will look at the proposed uses and public improvements. There is nothing in the Downtown Plan to make the public plaza or the other projects happen. Council will not be asked to approve this degree of detail. They will not necessarily be concerned about there not being a plan for the new areas. A lot of the UR plan objectives provide ample guidance about what should happen there.

Gretchen commented that the Commission wants to keep the rail corridor in the district in order to facilitate using the closing of the crossing as a tradeoff for a new crossing in the Downtown area.

Mike Marr asked whether anyone felt that the boundary issue had not been discussed enough. He then called for a vote on amending the areas added to the UR district at the last meeting. He described these areas as follows:

- the Tiedeman/North Dakota/RR corridor, excluding the lot closest to Greenburg
- the industrial area bordered by Hall and Hunziker
- the Safeway corner

The vote on retaining on the Tiedeman extension, minus the one lot identified above, was 7 yes votes.

The vote to "remove" the industrial area was 11 in favor of removal.

The vote on retaining the Hall/HWY 99W area, including Center Street to Commercial Street was 7 in favor.

4. Continued Discussion of UR Programs

Jeff asked the group whether the UR map should show one area or subdivided areas. The general agreement was for showing one boundary.

Jeff touched on the project list. He referred to a revised project list based on the comments received at the last meeting. The Hunziker project needs to be removed, because it is within the industrial area deleted from the UR district. The Scoffins/Hunziker intersection realignment (1.A.2 on the 9/2 list) needs to be added as a stand-alone project. Roger asked if underground utilities were included in the project work scopes. Jeff responded that the UR plan does not need to describe specific project work scopes. Roger pointed out that this work can be a huge expense. Gus responded that the project cost estimates all include the cost of underground utilities.

Mike Marr suggested a name change for the Burnham Street project: "Widen to Collector Status." Mike Stevenson commented that a lot of history and discussion went into the design of this street.

In response to a question from Gretchen, Jeff commented that the place to address land use changes is the Comprehensive Plan, as opposed to the UR plan. Any change to the underlying zoning is automatically carried through to the UR plan. Any land use changes are nonbinding unless they are adopted into the Comprehensive Plan.

Mike Marr asked if bike lanes were nonbinding. Jeff responded that proposed street improvements were required to comply with existing standards. Mike commented that adding bike lanes on both sides of Burnham Street is too much asphalt. Barbara

noted that the Streetscape Design Plan, the development of which is just now getting underway, would look at this and other questions regarding the design of Burnham and Commercial Streets.

Alice commented that she wants the UR plan to leave Fanno Creek alone and would like restoration language added under all Fanno Creek-related projects.

Carl commented that he would like to see under C.5 (Highway 99W) or elsewhere in the project list a bike/pedestrian overcrossing of HWY 99W at Greenburg. Mike Marr requested the addition of a public restroom under Public Facilities. He noted that he made this same request at the last meeting. Alice requested that pedestrian trails be located outside regulatory buffer areas.

Jeff went on to describe the proposed Rehabilitation/Redevelopment Grant/Loan Program, the New Development Grant/Loan Program, and the Technical Assistance Program. He described all these as traditional programs. The CCAC does not have to decide on the details of the programs or who the eligible recipients might be in order to include these programs in the UR Plan.

Mike Marr asked if the programs would be available to any property regardless of the improvement proposed. Jeff commented that access to the programs was not automatic. Before the startup of the three, detailed eligibility requirements would need to be developed as part of carrying out the UR plan. All the programs require the adoption of detailed rules prior to their implementation.

Carl commented that similar programs operated in Sherwood are wide open. Jeff commented that the UR plan gives general authority to establish the programs, with the specific details to be established later. He noted that similar programs have been very successful in Portland. These involve a 50-50% match. They are targeted at improving storefronts, which is most applicable to Tigard's Main Street. The technical assistance program includes, as one example, free advice on how to meet the seismic code and other activities related to the development of property.

Roger asked what kind of design criteria will be included in the draft UR plan. Jeff responded that the UR plan will include no regulatory authority over design. The CCAC can advise Council to adopt design standards into the comprehensive plan and development code. This would provide the needed regulatory authority. The CCAC also can identify to Council the need for design incentives. These would not be regulatory, but could include program criteria.

Roger commented on the necessity for the CCAC to include in its recommendations to Council both regulatory and incentive programs along with a statement recommending Council establish an UR area design review board.

Gretchen commented that the design review board idea should be added to the work program for the comprehensive plan update. Barbara pointed out that a realistic

timeline for the setup of a board under this process is 3-4 years. This timeline partly is based on the need to work with land owners under Measure 37.

Roger made a formal motion to recommend that Council establish a design review standards board, with the precise language of the recommendation to be developed before the CCAC's next meeting. The board would have a toolkit of both regulatory and incentive-based measures.

5. Proposed Land Acquisition & Deposition Provisions

Jeff proposed that the UR Plan include a policy stipulating that land will be purchased from willing sellers only. The UR plan would not include condemnation authority, beyond the authority the City presently possesses with regard to carrying out public works projects.

Gretchen commented on the potential need for condemnation authority in order to upgrade HWY 99W. Language is needed in the UP plan to address this issue. Jeff responded that the City will still have the same condemnation authority it presently possesses. Gretchen stated that the UR plan needs to clarify that this authority is covered in existing language.

Carolyn asked for clarification on whether the UR Plan would include the authority to condemn property. Mike Marr commented that the adopted of the UR plan would result in no change from the present law. Jeff pointed out that a lot of people equate UR with condemnation. The Tigard plan would prohibit condemnation under urban renewal. Mike noted that eminent domain exists now and would continue to operate under the proposed UR plan.

Lily asked when Hall would be widened. Gus replied that the time frame for upgrading Hall is late 2006 to 2007.

Jeff overviewed the proposed land disposition features of the UR plan. Basically, land acquired by the UR Agency could be sold or leased. The plan would make clear that the disposal of land under UR is not the same as selling surplus property, wherein a local government is required to get fair market value for the property.

6. Proposed UR Plan Amendment Provisions

Jeff referred to a meeting packet handout that identified three types of amendments: Substantial, Council-Approved, and Minor. Jeff explained that the proposed UR Plan Amendments provisions talk about what needs to be voted on. State law defines two kinds of amendments: major amendments that require the jurisdiction to repeat critical parts of the original adoption process and minor amendments that can be accomplished administratively without the need to repeat the original process. Exceeding maximum indebtedness by one cent is a major amendment. Major amendments are referred to in the proposed UR plan as Substantial Amendments.

Jeff stated that he had created a third category of amendment known as Council-Approved Amendments. These do not require individual notice provisions or as much process as Substantial Amendments. They consist of three amendment types: goal and objective changes, the addition or expansion of a project costing more than \$500,000 and that is “materially different from projects previously authorized in the Plan,” and extending the duration of the Plan. He noted that “duration” has not been defined as yet.

Minor amendments require approval by the UR Commission. Small changes, those that are not Substantial or Council-Approved Amendments are approved by the Commission by resolution. The UR Agency or the Planning Commission can act as the Commission, along with Council. The term “Agency” is used throughout the UR plan for clarity.

Barbara commented that the terminology used in the UR plan needs to be consistent with the Tigard Charter. Suzanne commented that the Council can be the governing body that implements UR or it can designate another body to do so.

Roger commented that the state initiative process is another way the UR plan could be changed. Jeff concurred that the initiative process could be used to amend the provisions of the UR plan.

Alexander commented that the \$500,000 per project used as a threshold for Council Approved Amendments is a middle of the road approach to defining the maximum cost of each project. A lower number could be used if more control is desired. Mike Stevenson commented that \$500,000 is a large enough figure to allow for some alteration of each of the projects, without triggering the Substantial Amendment requirements.

Jeff commented that amending the UR plan to add 1% more area may or may not require a vote. It is not clear under the Tigard Charter if a vote is required for a minor change.

Carolyn asked if the dollar amounts listed in the UR plan must be defined to the penny. Jeff responded that the statutes force local governments to tell what they are going to do under UR. Jeff went on to state that the only thing left to discuss is the UR plan’s duration. Sometime before the next meeting he will provide a draft of the UR plan. The typical duration is 20 years. This means an Agency cannot start a new project or issue bonds after the specified duration. The Agency can, however, go beyond this duration to pay off the bonds used to finance projects.

Mike Marr asked whether 20 years is the appropriate duration for the Tigard UR plan. Jeff responded that he would not recommend any time period shorter than what the market would support. Tigard is in the middle of a high growth area, so 20 years is a long time.

Jeff elaborated that the UR report, as distinguished from the UR plan, will include information on the cost and schedule for projects. The document is nonbinding and purely informational. It addresses the plan's feasibility and the area that needs help. Jeff stated that he is not planning to present the report for review by the CCAC. Doing so would take a lot of time and discussion. The Commission appeared to indicate that it did not have a problem with this approach. The information used in the report represents a best guess. State law requires the report to project the dollars generated by TIF and to lay out how this money will be spent. In the case of the Tigard UR Plan, the amount generated is anticipated to be in the \$12-20 million range.

Carl commented that in order for the CCAC to make an adoption recommendation, the UR plan needed to be available by the end of September. Jeff commented that the individual hand outs reviewed by the CCAC to date along with other materials would be packaged as a plan and sent out to the CCAC before the 9/21 meeting.

In response to an adoption timeline question asked by Carolyn, Mike Marr commented that the TDIP is scheduled to go to Council on September 27nd, not the UR plan.

8. Outreach Plan Roles and Responsibilities

Barbara commented that the UR Outreach Plan developed by the consultant would be presented to Council on September 13th. It includes ten strategies. The CCAC will be responsible for carrying out most of these elements. She went on to discuss what it would take to carry out the outreach plan.

Gretchen suggested that a subcommittee discuss the outreach effort outside the meetings of the full CCAC. Barbara stated that the City may not have the resources to carry out the Outreach Plan. This raises the question of how the CCAC will be involved in the outreach process. She handed out copies of the revised plan.

Mike Marr solicited CCAC members, representing a broad spectrum of opinion, to attend the September 13th Council discussion of the plan. He noted that it was very important for CCAC to participate in the meeting. Many of the proposed outreach activities include meeting people in the areas added to the proposed district boundary. All CCAC members will be called upon to go to meetings. Marland has already scheduled a meeting with the Chamber of Commerce Business Advocacy Group.

Suzanne commented that when she met with the mayor to interview for an at-large position on the CCAC, he suggested that the commitment was for the duration of the plan.

Mike Marr commented that CCAC members need to acknowledge and be aware of what's in the plan, including most importantly the ten strategies. Each strategy requires participation by people. Staff can do the backup and the consultant can do some of the work involved, but the CCAC will need to play the major role in

carrying out the strategies. The names of those willing to participate in this effort are needed as soon as possible. The storefront displays described in the Outreach Plan will require a rotation of people. Carl commented that Washington Square during Christmas is a possible “storefront” location not presently included in the outreach plan. Mike Marr commented that signup sheets handed out by staff listing the 10 strategies in a matrix format with blocks for the number of hours one is willing to volunteer should be completed and returned to Duane by next Wednesday.

7. Other Business/Announcements/Next Agenda

Alice asked if any meetings of the CCAC had been scheduled beyond September 21st. Mike Marr replied that no meetings with Jeff had been scheduled beyond that date, but that the 21st was not the last meeting of the CCAC.

Mike Marr adjourned the meeting at 9:18 p.m.